

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:11-MC-177-GCM-DCK**

| | | |
|-------------------------------------|---|---------------------|
| CENTRIFY CORPORATION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| BANK OF AMERICA CORPORATION, |) | |
| and QUEST SOFTWARE, INC., |) | |
| |) | |
| Defendants. |) | |
| |) | |

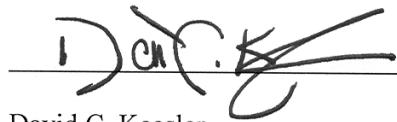
THIS MATTER IS BEFORE THE COURT on Defendant Quest Software, Inc.'s "Motion For Protective Order" (Document No. 1) filed November 18, 2011. This motion was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b) on January 26, 2012, and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

The pending motion seeks a protective order from the Court forbidding Plaintiff from taking a deposition of Defendant Bank Of America Corporation on November 21, 2011, as noticed by Plaintiff's "Subpoena To Testify At A Deposition In A Civil Action" (Document No. 1-1). (Document No. 1).

The undersigned observes that Plaintiff filed a "Notice Of Withdrawal Of Subpoena" (Document No. 10) on December 22, 2011. Moreover, the undersigned's staff has confirmed with both Plaintiff's counsel and Defendant Quest Software, Inc.'s counsel that the underlying subpoena has been withdrawn and that the pending motion is now moot.

IT IS, THEREFORE, ORDERED that Defendant Quest Software, Inc.'s "Motion For Protective Order" (Document No. 1) is **DENIED AS MOOT**.

Signed: January 27, 2012



David C. Keesler
United States Magistrate Judge

